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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,974	09/29/2000	STAN W BOWLIN	F-316	1735

802 7590 11/26/2003

DELLETT AND WALTERS
310 S.W. FOURTH AVENUE
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PORTLAND, OR 97204

EXAMINER

LEE, CHRISTOPHER E

ART UNIT	PAPER NUMBER
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2189

DATE MAILED: 11/26/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

8

Advisory Action

Application No.

09/675,974

Applicant(s)

BOWLIN, STAN W

Examiner

Christopher E. Lee

Art Unit

2189

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

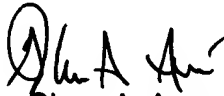
Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1-19.

Claim(s) withdrawn from consideration: none.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Glenn A. Auve
Primary Patent Examiner
Technology Center 2100

cel/

Continuation of 2. NOTE: The amendment filed on 12th of November 2003 under 37 CFR 1.116 in reply to the final rejection will not be entered because the proposed amendment raises new issue that would require further consideration and/or search, which is "the at least one of the at least two destinations", and was not previously addressed in the Final Rejection in the claims 5-7.

Continuation of 5. does NOT place the application in condition for allowance because: In response to the Applicant's argument with respect to the 35 U.S.C. §112, first paragraph, enablement issue on the Response pages 9 and 10, the Examiner respectfully disagrees. In contrary to the Applicant's statement, the timing chart in Fig. 2 is not the timing of signal to set the DSP chip into a read operation, but the timing of signal to read and write operations controlled by CPLD according to the invention, which is admitted by the Applicant in lines 14-16 of the Response page 9. Even if the Applicant alleges that the data cannot start being read by the DSP from the bus before it appears on the bus in lines 20-21 of the Response page 9, the read operation should start from setting the "Row" and "Col" address because the Applicant claims the limitation "supplying said unit of data from the source to first of said at least two destinations as a read data operation" in lines 4-5 of the claim 1. The Examiner doubts how the DSP could read said unit of data from the source (i.e., not from the bus) to first of said at least two destinations without setting the "Row" and "Col" address. Furthermore, the Applicant asserts that the data is present for a set period of time and during that time transfer to the first data source as a read and to the second data source as a write are effected. However, the claimed invention has a subject matter "a source" and a subject matter "at least two destinations", but it does not have two data sources (See exemplary claim 1). In addition, the Applicant fails to support this operation in light of the specification (See Fig. 2 and Application, page 4, lines 10+). Thus, the Applicant's assertion cannot be happened in the claimed invention, such that transferring to the first data source (e.g., DSP) as a read (i.e., read operation) and to the second data source as a write (i.e., write operation). In fact, in case of transferring a word (e.g., W3 at cycle 9 in Fig. 2) of RX_Data 34 (Fig. 2) on BUS 16 (Fig. 1) from MAC FIFO 14 (Fig. 1) to SDRAM 18 (Fig. 1) and DSP 20 (Fig. 1), supplying said word of data (i.e., W3) to SDRAM as a write data operation (i.e., writable W3 at cycle 9 in Fig. 2 because RX_Data has W3 at cycle 9) is possible to be performed at cycle 9. However, supplying said word of data (i.e., W3 at cycle 9) from the MAC FIFO to DSP as a read data operation had been performed at cycle 7. At cycle 9, said read operation performs to read another word of data (i.e. W5). This operation is suggested by Masterson (See Paragraph 6 of the Office Action mailed on 11th of August 2003). Thus, the Applicant's argument on this point is not persuasive.

In response to the Applicant's argument with respect to the Claims rejection under 35 U.S.C. §103(a) as unpatentable over AAPA in view of Masterson on the Response pages 11 and 12, the Examiner respectfully disagrees. In contrary to the Applicant's allegation, the Applicant's statement (See the Response page 15, lines 10-16) is not described in the specification and also has not been claimed in the fashion (See Paragraph 11 of the Office Action mailed on 11th of August 2003). Thus, the Applicant's argument on this point is not persuasive.

In response to the Applicant's argument with respect to the Claims 1 and 8 rejection on the Response pages 12 and 13, the Examiner believes that the Applicant misinterprets the claims rejection. The Applicant essentially argues that the Examiner is changing the interpretation of what the claims say into something different that what they say in lines 8-9 on the Response page 13. Actually, the claim rejection is showing the obviousness of the claimed invention using the combination of AAPA and Masterson with rationale for the proper combination. In order to show the obviousness, the Examiner describes the prior art AAPA using the terms "the first and second data", which is not changing the interpretation of what the claims say into something different that what they say. In other words, one cannot show nonobviousness by attacking references individually, such as AAPA teaches that the first and second data are not the same unit of data, where the rejections are based on combinations of references AAPA and Masterson. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Thus, the Applicant's argument on this point is not persuasive.